



## Legislation Details (With Text)

|                       |                                                                    |                      |   |                      |                                                                    |
|-----------------------|--------------------------------------------------------------------|----------------------|---|----------------------|--------------------------------------------------------------------|
| <b>File #:</b>        | 24-0405                                                            | <b>Version:</b>      | 1 | <b>Name:</b>         | Right-of-Way Conveyance - Garrison Road Extension at Berewick Park |
| <b>Type:</b>          | Staff Briefings                                                    | <b>Status:</b>       |   | <b>Status:</b>       | Staff Briefings                                                    |
| <b>File created:</b>  | 6/26/2024                                                          | <b>In control:</b>   |   | <b>In control:</b>   | Asset/Facility Management                                          |
| <b>On agenda:</b>     | 7/2/2024                                                           | <b>Final action:</b> |   | <b>Final action:</b> |                                                                    |
| <b>Title:</b>         | Right-of-Way Conveyance - Garrison Road Extension at Berewick Park |                      |   |                      |                                                                    |
| <b>Sponsors:</b>      |                                                                    |                      |   |                      |                                                                    |
| <b>Indexes:</b>       |                                                                    |                      |   |                      |                                                                    |
| <b>Code sections:</b> |                                                                    |                      |   |                      |                                                                    |
| <b>Attachments:</b>   | 1. Garrison ROW 07.02.2024 v2                                      |                      |   |                      |                                                                    |

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
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### Title

## Right-of-Way Conveyance - Garrison Road Extension at Berewick Park

### Action

#### ACTION:

Authorize the County Manager to negotiate and execute a Memorandum of Agreement between the County and Garrison Road Holding, LLC ("Garrison") for the extension of Garrison Road located in southwest Mecklenburg County and the acceptance of land for park and greenway purposes, including but not limited, to the following transactions:

- 1) Accept donation of a portion of Tax Parcel 141-291-05 (+/- 14.72 acres) and a portion of Tax Parcel 141-291-03 (+/- 6.7664 acres) to be used for greenway purposes from Garrison; and
- 2) Conveyance of portions Tax Parcels 141-291-05, 141-291-06, 141-291-03, and 141-171-11 (+/- 2.45 acres) to be used as road right-of-way from the County to the City of Charlotte; and
- 3) Conveyance of a permanent storm drainage easement (+/- .5907 acres) and a permanent sewer easement (+/- .0303 acres) from the County to the City of Charlotte on portions of Tax Parcels 141-291-06, 141-291-05, 141-291-03 and 141-171-11; and

**4) Conveyance of a temporary construction easement (+/- 2.065 acres) on portions of Tax Parcels 141-291-06, 141-291-05, 141-291-03 and 141-171-11 to Garrison;and**

**5) Construction of a culvert under the proposed Garrison Road extension to be built by Garrison to the County's specifications to facilitate a future greenway trail along Beaverdam Creek**

**Staff Contact:** Jacqueline McNeil, Real Estate Management Director

**Presentation:** Yes

**BACKGROUND/JUSTIFICATION:**

As part of construction for a planned industrial park in southwest Charlotte, the owner of the park, Garrison is required by the City of Charlotte, to construct road improvements per approved rezoning petition #2019-173. The road improvements include the extension of Garrison Road from its current terminus to Dixie River Road, bike lanes, sidewalks, and retaining walls among other related improvements. In addition to the required improvements, staff negotiated with the developer to have a culvert built under the road to accommodate a future greenway trail along Beaverdam Creek. To complete these improvements, Garrison needs to obtain a right-of-way, a temporary construction easement, and permanent storm drainage and sewer easements from the County on County-owned property at Berewick Park. The right-of-way and permanent easements will be conveyed to the City of Charlotte with the developer being conveyed a temporary construction easement which is necessary to build the new road and related improvements.

Per the approved rezoning of the Garrison property, the County is to obtain ownership of a total of +/- 21.49 acres of property within the 100 year floodplain. Acquisition of the property is consistent with the County's Park and Recreation master plan, Meck Playbook, as well as the County's Environmental Leadership Action Plan (ELAP). Both plans call for providing additional opportunities for recreation, open space, and natural habitat protection.

This proposal calls for +/- 2.45 acres of right-of-way to be conveyed to the City of Charlotte from the County on the western portion of Berewick Park, north of Dixie River Road. Most of the County-owned property at Berewick Park was acquired between 2002 and 2009 with the County's most recent acquisition at the park occurring through a donation of roughly 13.50 acres of land on both sides of Dixie River Road. Multiple adopted community and area plans since the 1990s have called for additional thoroughfares and active park sites within the larger Steele Creek/Dixie-Berryhill area. Several master plans by the City of Charlotte, State of North Carolina, and MUMPO/CRTPO have called for the addition of at least two north/south thoroughfares within this area, including the extension of Garrison Road to Dixie River Road.

The extension of Garrison was contemplated during the time when the County made the original purchase of land for Berewick Park. Mandatory Referral document 02-16 states that "a park at this location would be widely accessible by vehicle to patrons on the Westside because of the proximity

to future thoroughfares and I-485." The mandatory referral goes on to state regarding the Dixie-Berryhill Thoroughfare alignment that "transportation planning staff worked with Park & Recreation staff in the development of a future thoroughfare alignment in the area that would minimize impacts to the proposed park." Additionally, based on the County's master plan for Berewick Park, the proposed road extension would not impact any planned improvements at the park. Storm Water Services has reviewed the road alignment and determined that to shift the road along the western boundary of the Garrison property would result in a greater ecological impact to the buffer/floodplain area than placing the road where it is currently proposed.

Garrison has agreed to construct a culvert under the road extension that will accommodate the future greenway based on discussions with County staff. The culvert is estimated to cost \$2,479,000. This is a cost that the County will avoid at the time the greenway is constructed in the future. A small portion of the proposed road is within a conservation easement held by the State of North Carolina (+/- 0.8410 acres). The City of Charlotte was required to gain NC Interagency Review Team (NCIRT) and United States Army Corps of Engineers (USACE) permission to release a portion of the conservation easement before approval to build the road could be granted. This included providing both agencies with seven (7) alternate routes and a no-build option. Both agencies approved moving forward with the road with USACE basing its approval on three factors including 1) the alternative alignments caused more ecological impact, 2) overall public benefit of the roadway, and 3) the fact that the road was planned prior to the creek mitigation project and the conservation easement being in place. The design of the road underwent several revisions to minimize the ecological impact including burying the main culvert so that aquatic life is not impeded and ensuring storm water flow will not be discharged into the conservation easement area.

In addition to building the greenway culvert which will provide significant cost avoidance for the County, the developer's project will result in \$150,000,000 real property investment, up to \$724,000 in yearly tax revenue, and up to 1,500 new job opportunities. The developer has committed to adhering to the County's MWSBE program for the \$17,000,000 road extension. Those commitments are 15% MBE and 8% WBE for a total commitment of 23%.

While the current proposal is a partnership between the City of Charlotte and the developer to build the road, the road could be completed by the State of North Carolina as well in the future, if not done by the City. The current proposal likely represents a more favorable position for the County than what would be anticipated in a future road extension by the State. Based on the planning efforts that have taken place in this area of the County, the fact that planning for the road took place prior the County purchasing the park, the alignment of the road was revised to minimize the impact to the park prior to the County's purchase (per the Mandatory Referral), the efforts made to minimize the ecological impact within the conservation easement area, and the economic impact of the project to the County, staff recommends approving granting the road right-of-way and the associated easements.

#### **PROCUREMENT BACKGROUND:**

N/A

#### **POLICY IMPACT:**

N/A

**FISCAL IMPACT:**  
N/A